

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Criminal Nos. 05-30010-MAP

05-30011-MAP

v.

LEE HENRY,

Defendant.

FILED
IN CLERK'S OFFICE
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U.S. DISTRICT COURT
DISTRICT OF MASS.

MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government faxed a draft to William J. O'Neil, Esq., counsel for defendant Henry, on May 11, 2005.

1. There are no outstanding discovery issues not yet presented or resolved by the Court.

2. The defendant has not requested discovery of expert witnesses under Fed. R. Crim. Pro. 16(a)(1)(E).

3. The parties do not anticipate providing additional discovery as the result of future receipt of information.

4. The defendant does not intend to raise a defense of insanity or public authority.

5. The government has requested notice of alibi by the defendant and there has been no response by the defendant.

6. The defendant has not filed but does intend to file, a motion to sever, dismiss, or suppress, requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

7. It is not necessary to schedule any matter in the case other than a Pretrial Conference.

8. The parties are not currently engaging in plea negotiations.

9. The parties agree that there are periods of excludable delay. The parties agree that the time frame from initial appearance, March 30, 2005 through April 13, 2005 is excludable under Local Rule 112.2(A)(1). There were no motions or discovery letters filed.

Therefore, as of the day of the Status Conference on May 16, 2005, 32 days have run and 38 days remain on the Speedy Trial clock which will require that, if necessary, a trial commence on or before June 23, 2005.

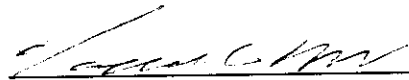
10. In the event that a trial is necessary the trial will last approximately 5 days.

11. A date convenient with the Court should be established for the Pretrial Conference.

Filed this 12th day of May, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney



TODD E. NEWHOUSE
Assistant United States Attorney

On behalf of defendant Henry:


WILLIAM J. O'NEIL, ESQ.
Counsel for defendant Henry

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
May 12, 2005

I, Todd E. Newhouse, Assistant U.S. Attorney, do hereby
certify that I have served a copy of the foregoing, via mail to
all counsel of record.


TODD E. NEWHOUSE
Assistant U.S. Attorney